

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

LUKE ALLEN, )  
                  )  
Petitioner,    )  
                  )  
v.              ) 1:06CV759  
                  ) 1:99CR277-1  
UNITED STATES OF AMERICA, )  
                  )  
Respondent.     )

O R D E R

On September 8, 2006, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections to the Recommendation within the time limit prescribed by Section 636.

The Court has reviewed petitioner's objections de novo and finds they do not change the substance of the United States Magistrate Judge's rulings which are affirmed and adopted.

**IT IS THEREFORE ORDERED** that petitioner's "Rule 60(b)" motion being construed as an attempt by petitioner to file a second or successive Section 2255 action is dismissed due to petitioner's failure to obtain certification from the Fourth Circuit as required by 28 U.S.C. §§ 2244 and 2255 and Fourth Circuit Local Rule 22(d), and that finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is denied.

  
\_\_\_\_\_  
United States District Judge

November 16, 2006